

# HOUSE BILL No. 1053

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2; IC 34-30-4.5.

**Synopsis:** Civil immunity for volunteers. Grants immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. Limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

**Effective:** July 1, 2002.

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**Frizzell, Sturtz**

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January 8, 2002, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1053

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-6-2-49, AS AMENDED BY P.L.250-2001,  
2 SECTION 4, AND AS AMENDED BY P.L.280-2001, SECTION 29,  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2002]: Sec. 49. "Governmental entity":

5 (1) for purposes of *section 91 of this chapter*, IC 34-13-2,  
6 IC 34-13-3, ~~and~~ IC 34-13-4, ~~and~~ IC 34-26-2.5, means the state or  
7 a political subdivision of the state; **and**

8 (2) for purposes of **IC 34-30-4.5**, means an entity that  
9 **exercises any of the governmental powers of the state, a**  
10 **political subdivision (as defined in IC 36-1-2-13), or another**  
11 **local governmental entity. The term includes a task force, an**  
12 **elected official, and an association of governmental officials or**  
13 **entities.**

14 SECTION 2. IC 34-6-2-88.4 IS ADDED TO THE INDIANA CODE  
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2002]: **Sec. 88.4. "Nonprofit corporation", for purposes of**  
17 **section 150 of this chapter and IC 34-30-4.5, means a corporation**

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1 that is exempt from federal income taxation under Section 501(c)  
2 of the Internal Revenue Code.

3 SECTION 3. IC 34-6-2-88.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2002]: **Sec. 88.5. "Nonprofit organization", for purposes of**  
6 **section 150 of this chapter and IC 34-30-4.5, means an organization**  
7 **that is exempt from federal income taxation under Section 501(c)**  
8 **of the Internal Revenue Code.**

9 SECTION 4. IC 34-6-2-150 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 150. "Volunteer":

11 (1) for purposes of IC 34-30-19, means an individual who,  
12 without compensation, engages in or provides other personal  
13 services for a sports or leisure activity such as baseball,  
14 basketball, football, soccer, hockey, volleyball, cheerleading, or  
15 other similar sports or leisure activities involving children who  
16 are less than sixteen (16) years of age; and

17 (2) for purposes of IC 34-30-4.5, means an individual  
18 performing services for a nonprofit organization, nonprofit  
19 corporation, hospital, or governmental entity without  
20 compensation other than reimbursement for the actual  
21 expenses of the individual. The term includes a volunteer  
22 serving as a director, an officer, a trustee, or a direct service  
23 volunteer.

24 SECTION 5. IC 34-30-4.5 IS ADDED TO THE INDIANA CODE  
25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2002]:

27 **Chapter 4.5. Charities: Immunity for Volunteers**

28 **Sec. 1. Except as provided by this chapter, a volunteer is not**  
29 **liable for civil damages as a result of an act or omission of the**  
30 **volunteer if:**

31 (1) the volunteer was acting in good faith and within the scope  
32 of the volunteer's official functions and duties for a nonprofit  
33 organization, nonprofit corporation, hospital, or  
34 governmental entity; and

35 (2) the damage or injury resulting from the act or omission  
36 was not caused by willful or wanton misconduct by the  
37 volunteer.

38 **Sec. 2. This chapter does not exempt a hospital from liability**  
39 **that the hospital would otherwise have for the negligent act of a**  
40 **volunteer.**

41 **Sec. 3. This chapter does not grant immunity to a volunteer for**  
42 **an act or omission involving the operation of a motor vehicle.**

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1     **However, the liability of the volunteer does not exceed the limits of**  
2     **the applicable insurance coverage maintained by or on behalf of**  
3     **the volunteer with respect to the negligent operation of a motor**  
4     **vehicle in the circumstances.**

5     SECTION 6. [EFFECTIVE JULY 1, 2002] IC 34-30-4.5, as added  
6     by this act, applies to all causes of action commenced after June 30,  
7     2002, regardless of when the cause of action accrued.

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